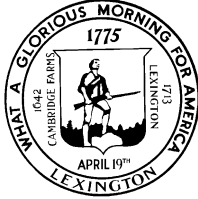


ATTACHMENT #9

PLANNING DEPARTMENT MEMORANDUM

DATED AUGUST, 5 2009



MEMORANDUM

TO: Robert Buckley
Ethan Solomon
Melissa Cushing

CC: Susan Yanofsky, Economic Development Officer

FROM: Aaron Henry, Senior Planner

DATE: August 5, 2009

SUBJECT: Staff Review of PSDUP Application Package

As part of the on-going application process, Maryann and I reviewed the application package for completeness against the Zoning Bylaw requirements and the Planning Board's Regulations, Sections 135-42 and 175-72 respectively.

In general we determined your application to be complete with the following exceptions, detailed below. Please make every effort to address these concerns as soon as possible. One potentially major issue follows this punch list. We have also tried to itemize the comments made by the Board at the hearing as well as added some questions and comments of our own to the end of this document.

We do anticipate more issues to be raised as the process moves along, and will get them to you as soon as they are identified.

- The application was executed by Robert Buckley, as agent of the owner, but we are not in possession of:
 - a. The assent of the owner for this power;
 - b. The corporate authority of Joseph Zink and Steven Rice; and
 - c. Shire's sign-off on this application (as we understand it, they now own part of the site under consideration for rezoning).
- Should the process get us there, we expect the final PSDUP plans to be put on 24 x 36 inch mylar.
- While the application materials touch on it, the application lacks a stand-alone narrative explaining the reasons for rezoning.
- Similarly, we are missing a separate comparison of CD-10 to the proposed (amended) CD-10.

- The package omits an analysis of impact on the environment, see 175-71B(8).

Staff and Board Comments

The Planning Staff has attempted to summarize the comments made by the Board that may lead to changes in the PSDUP text or plan – these are not minutes, so no warranty is given that these are exactly what the board had in mind, but a reasonable approximation:

- Drop the request for any changes to the CRO or the 128 Corridor to become part of CD-10. Besides it being politically difficult, We believe that this sort of provision is prohibited by State law (floating zones prohibited).
- Some sort of check-up provision vis-à-vis the commitments made regarding traffic. To accomplish this, staff proposes that the MOU require a follow up study some years down the road (say five). Failure to accomplish any of the promised performance standards at the time reopens the MOU and results in increased mitigation payments, or similar.
- Plans should designate areas to become trail(s).
- Building designs should be discussed with the Design Advisory Committee
- Building 100 built to the LEED Silver standard.
- Reduce the size of the building envelop for Building 100. We don't have any issue with wanting some flexibility, but now is the time to figure out where you want it... This process is also known as *What You See Is What You Get*, and is not intended to be a speculative zoning tool.